

Remarks

This paper is responsive to the Office Action mailed on May 15, 2008. Claims 1, 2, 4-7, 9-12 and 14-21 are pending in the application and stand rejected. Claims 1, 6, and 11 are presently amended. For at least the reasons set forth below, Applicant respectfully asserts that the claims are in condition for allowance and requests favorable action and withdrawal of the rejections.

Claim Rejections – 35 U.S.C. §103

In the Office Action, the Examiner rejected claims 1, 2, 4, 6, 7, 9, 11, 12 and 14-21 under 35 U.S.C. §103(a) as being unpatentable over Polk (U.S. Patent No. 5,946,669) in view of United States Code sections governing child support payments, particularly 42 U.S.C. §666(b) and 15 U.S.C. §1673(b); and claims 5, 10 and 15 under 35 U.S.C. §103(a) as being unpatentable over Polk in view of the United States Code sections, further in view of Single Parent Central (www.singleparentcentral.com, retrieved from www.archive.org).

Applicant respectfully submits that the amended claims include limitations that are not taught, suggested, or otherwise rendered obvious by the combination of cited references, including the limitations related to the retrieval and display of information for financial support payments to the custodial parent. As discussed below, this limitation is substantially distinguishable from the cited art, particularly from any teaching which may be derived from the *Polk* cited reference.

A. Limitations Related To The Retrieval And Display Of Tracking Information For Financial Support Payments And A Plurality Of Historical Financial Support Payments Are Not Obvious To One Of Ordinary Skill In The Art

As is acknowledged within Page 4 of the Office Action, the *Polk* reference fails to disclose the claimed limitation of “providing an interface configured to allow the custodial parent to retrieve tracking information for the financial support payment and a plurality of historical financial support payments previously scheduled to the custodial parent.” The Office Action instead supports the rejection of this claim under §103 by noting that *Polk* discloses tracking payment and disbursement information for parents/employees, and “it would have been obvious to include/provide a plurality of information/data types – as such information types are

only found in the nonfunctional descriptive data and are not functionally involved in the steps recited.”

Applicant respectfully submits that the Office Action’s description of the *Polk* reference to maintain the obviousness rejection recognizes that the claimed information types are related to the functional involvement of the steps recited. Per the Office Action’s acknowledgement, *Polk* only discloses the tracking of payment and disbursement information for “individual initiators (parents/employees),” and this action of tracking payment information could be performed “regardless of the type of information saved for later display.” Thus, the Office Action has established an obviousness rejection from *Polk*’s disclosure of “tracking of payment and disbursement information,” supported by its disclosed tracking step as applied to payment data.

However, the Office Action does not provide any rationale of why it would be obvious to modify *Polk*’s action of tracking payment information related to the payer, the non-custodial parent/employee, to perform this step for a payee, i.e., the custodial parent. Within any employment or financial setting, tracking information for these separate parties are distinct actions, as providing information to a payee would, at a minimum, involve the additional steps of deriving different data and providing the information to an external party. Thus, any step of tracking or providing payment information to an internal payer party is a distinguishable step from providing payment information to an external payee party.

As further iterated in previous responses by the Applicant, providing direct access to an adverse party’s financial information such as payroll data stored in an internal financial system would undoubtedly present a security risk, and would not be deployed in a real-world scenario. The Office Action does not establish how *Polk*’s basic step of tracking information for a payer may be modified or otherwise related to the disbursement of funds and tracking for a payee. Applicant submits that each of the complexities involved in retrieving and displaying the disbursements does not yield a “predictable result” derived from the basic step disclosed in *Polk*.

The only apparent basis, therefore, in the Office Action for modifying the *Polk* disclosure to find the claimed invention obvious, is that *Polk* discloses performing actions on a similar type of information, i.e., the payment and disbursement of financial information. This type of payment information that is used to support an obviousness rejection with *Polk*, is then

disregarded within the claimed invention to have no patentable weight—because it is allegedly “nonfunctional descriptive data” that is “not functionally involved in the steps recited.”

If indeed the “information/data types” in the presently claimed invention are nonfunctional descriptive data as the Office Action states, then it is unclear how *Polk*’s disclosure of tracking payment data would render the claimed invention obvious to one of ordinary skill in the art. Applicant requests clarification of the rationales applied within obviousness rejection, and how the dissimilar teaching of *Polk* is applicable to the rejection of this feature of the claimed invention.

B. The Limitations Defining The Tracking Information Are Not Nonfunctional Descriptive Material And Should Be Given Patentable Weight

Applicant respectfully disagrees with the Examiner’s assessment that the tracking information types utilized within the amended step of “retrieving tracking information for the financial support payment and a plurality of historical financial support payments” are nonfunctional descriptive material and do not have patentable weight. Further, the rationale provided within the Office Action for the lack of patentable weight, because the information types are “only found in the nonfunctional descriptive data and are not functionally involved in the steps recited,” is not applicable to the claimed features of the present invention.

Viewed in the context of MPEP §2106.01, Revision 6, and the cases which it cites, *In re Gulack*, and *In re Lowry*, the requirement of “being functionally related to a substrate” primarily refers to the patentable weight of printed matter. As is quoted from §2106.01, “USPTO personnel need not give patentable weight to printed matter absent a new and obvious functional relationship between the printed matter and the substrate.” Thus, a requirement that the subject matter be “functionally related to the substrate” is applicable to recitals of printed matter, which is dissimilar from the definition of the information types and the performance of concrete steps with the information types that is recited in the claimed invention.

Further, in response to the Office Action’s allegation that “[t]he child financial support system would be performed regardless of the type of information saved for later display to the users,” the claimed step expressly recites “providing an interface configured to allow the custodial parent to retrieve tracking information” and displaying this information “to the

custodial parent via the interface.” Thus, the step of providing the retrieval and display of payment status, payment amount due, payment amount received, and the like, are a portion of the recited actions themselves which comprise a “child financial support framework for facilitating communications between employers, custodial parents, and non-custodial parents.”

C. A Functional Relationship Exists Between The Recited Tracking Information And The Steps Performed Within The Claimed Invention

Finally, even assuming arguendo that the tracking information values of Claim 1 were nonfunctional descriptive material, it does not follow that the language within these claims has no patentable weight or may be rendered obvious by any similar data type. As is stated in §2106.01(II), the presence of nonfunctional descriptive material is not necessarily determinative of subject matter that does not have patentable weight. Instead, if a functional interrelationship exists among the data and the computing processes performed when utilizing that data, the subject matter is clearly statutory and has patentable weight.

The conclusory rejection deems its determination that the subject matter is nonfunctional descriptive material as dispositive, contrary to §2106.01(II), and offers no further analysis. As discussed above, the specific data types related to tracking information values are used to perform specific retrieval and display steps within a process. It is not possible to perform the step to “allow the custodial parent to retrieve tracking information” without having a precise definition for the tracking information values. Therefore, a functional relationship exists between the tracking information values and the recited step.

Moreover, Applicant submits that the structure of Claims 6 and 11 further demonstrates a functional interrelationship between the claimed tracking information values and the structures recited within the claims. Claim 6 recites a code segment stored on a computer-readable medium, with a demonstrable functional interrelationship existing for a tracking information value that is stored within such a medium. Similarly, Claim 11’s recital of a system comprising various logic instructions demonstrates a functional interrelationship between the logic instruction related to the tracking information values and the system that executes the logic.

Applicant requests that patentable weight be given to the entirety of the limitations recited within Claims 1, 6, and 11 and its dependent claims. Moreover, based on the arguments

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presented above, Applicant respectfully asserts that a prima facie case of obviousness has not been established and the rejected claims are allowable. Further, because claims 2, 4-5, 7, 9-10, 12, and 14-21 depend either directly or indirectly from independent claims 1, 6, and 11, these dependent claims are also allowable as depending from allowable claims.

CONCLUSION

Applicant submits that all pending claims are in condition for allowance and respectfully requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at the telephone number listed below. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees (including fees for any extension of time), to Deposit Account No. 50-1901 (Docket 060021-359701).

Respectfully submitted,



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